

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-149355-001 DT

07/13/2016

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT

C. Machado

Deputy

STATE OF ARIZONA

JEFFREY CHARLES WOLFE

v.

SHANE LEE DENNY (001)

DOB: 4/25/1973

JAIME CHRISTINE HINDMARCH

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE - IMPRISONMENT AND PROBATION

8:41 a.m. This is the time set for Sentencing.

Courtroom CCB 1301

State's Attorney: Hilary Weinberg on behalf of Jeffrey Wolfe

Defendant's Attorney: Jaime Hindmarch

Defendant: Present

Court Reporter, Linda Lopez, is present.

A record of the proceedings is also made digitally.

LET THE RECORD REFLECT that the Defendant's family members are present in the Courtroom.

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Count(s) 1 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Trafficking In Stolen Property, Second Degree

Class 3 Felony

A.R.S. § 13-2301, 13-2307, 13-701, 13-702, and 13-801

Date of Offense: October 23, 2015

Non Dangerous - Non Repetitive

OFFENSE: Count 3 Misconduct Involving Weapons

Class 4 Felony

A.R.S. § 13-3101, 13-3102, 13-3105, 13-701, 13-702, and 13-801

Date of Offense: October 23, 2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 3.50 year(s) from July 13, 2016

Presentence Incarceration Credit: 51 day(s)

Presumptive

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 3.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 3: For a period of 3 years.

Conditions of probation include the following:

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Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the state.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 22:

Defendant shall pay costs associated with DNA testing required pursuant to A.R.S. § 13-610.

Defendant shall forfeit all interest in the weapon, ammunition and any weapon accessories seized in connection with this case.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

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2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2, 4, 5, and the allegation of felony convictions pursuant to A.R.S. § 13-703.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 3: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Pursuant to the terms set forth in the parties' Plea Agreement,

IT IS ORDERED that the Defendant pay all costs associated with the DNA testing ordered herein.

8:51 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOSEPH P. MIKITISH
OF THE SUPERIOR COURT

(right index fingerprint)